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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 831 OF 2006

PETITIONERS

1. Sanjay Kumar Shah
Aged about 22 years
S/o Shri Telki Prasad Shah
R/o Shringar Bhat, Kanker
District Kanker (Chhattisgarh)

2. Kiran Kumar Bhandari
Aged about 22 years
S/o Shri Jawahar Bhandari
R/o Village Garhpichhwari
District Kanker (Chhattisgarh)

3. Manish Kumar Meshram
Aged about 19 years
S/o Shri A.K. Meshram
R/o Govindpur, Kanker
District Kanker (Chhattisgarh)

4. Maa Bhagwati Educational Society, Kanker through the President namely Dr. A.K. Gajpal, aged about 46 years S/o Shri Arjun Singh Gajpal R/o Gokulpur Ward, Dhamtari Tehsil & District Dhamtari (Chhattisgarh)

Vs.

RESPONDENTS

1. State of Chhattisgarh
Through the Secretary
Department of Agriculture
D.K.S. Bhawan, Mantralaya
Raipur (Chhattisgarh)

2. Indira Gandhi Krishi Vishwavidyalaya, through the Vice Chancellor, Krishak Nagar Raipur (Chhattisgarh)

3. Kishan Lal Sahu
Aged about 42 years
S/o Shri Gokulram
Ex Managing Director
Maa Bhagwati Agriculture College,
Kanker District Kanker
(Chhattisgarh)

Present : Shri Kanak Tiwari, learned Sr. Advocate with Shri Prateek Sharma, learned counsel for the petitioners.

Shri Utkarsh Verma, learned Dy. G.A. for the State.

CC

(ORAL ORDER)
(Passed on 16th February, 2006)

Shorn of unnecessary details, suffice it to state that the 2nd respondent-University, by its order dated 13.01.2006 followed by another letter dated 07.02.2006, directed that the students studying in 2nd and 3rd year of B.Sc. Agriculture shall take examinations scheduled to commence from 18.02.2006 at other centres on the ground that the 4th petitioner-Society which runs Maa Bhagwati Agriculture College, Kanker in which the petitioners 1, 2 and 3 studied, did not have the prescribed infrastructure facilities. In this writ petition, the petitioners seek a direction to the University-2nd respondent to conduct examinations only at Maa Bhagawati Agriculture College on the ground that the University has not yet communicated to the petitioners-students , the names of the centres at which they should take examinations and also on the ground that the petitioners 1, 2 and 3 are tribal boys and if they are forced to take examination at different centres it would be prejudicial to their interest. With regard to 25 students of 1st year of B.Sc. Degree Course, it is stated that they are denied of opportunity to appear in the examination on the ground that the 3rd respondent, to whom the management of the college was entrusted earlier, did not send the list of students for its approval and that he has misled the University by stating that no admissions were made during the academic year 2005-2006. It is quite often said and reiterated by the Constitutional Courts that in academic matters, the Courts should be slow to interfere with the decision of the academic bodies of the University. If the University has taken a decision that the students of the above college should not be allowed to take examinations or take examinations only at other centres on the ground that the Institution in

which they studied did not have required / prescribed infrastructure facilities or on the ground that the list of the students admitted during the academic year 2005-2006 was not sent to the University for approval, this Court cannot sit in a judgment over the decision of the University. Be that as it may, the petitioners are approaching this Court at a very belated stage and there is absolutely no time to put the University on notice and know from it whether it is expedient or feasible or possible to conduct the examinations at the very college in which the petitioners-students studied.

(2) In the result, the writ petition is dismissed. However, this order shall not come in the way of petitioners or similarly circumstanced students approaching the University Authorities either for conducting the examinations at the same college in which they studied or at any other nearby convenient centre and if such representations are made, it is hoped and trusted that the University Authorities would appropriately consider such requests, keeping in mind that the students are tribal students. No costs.

Sd/-
Chief Justice

Sujith